

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Mark Latimer,

Civil No. 11cv00082 RHK/JJK

Petitioner,

v.

ORDER

State of Minnesota,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated January 24, 2011. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's application for leave to proceed in forma pauperis, (Docket No. 2), is DENIED; and
2. This action is summarily dismissed for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 18, 2011

s/ Richard H. Kyle
Richard H. Kyle
United States District Judge